

REMARKS

The Office Action mailed April 7, 2004, for the present application has been reviewed. The present amendment makes changes to the specification and the claims as outlined above. The specification has been amended to rename element 54 from "center inflated portion" to "center inflated channel" to more clearly define the inflatable center portion from the uninflatable center portion of the device. The element as newly described is supported by the embodiment illustrated in Figure 3 and no new matter has been added. Claim 1 has been amended, claims 2, 3 and 7 have been cancelled, and new claims 10 and 11 have been added to add clarity to the fact the present invention is a signaling device. Considered together with the following remarks, these changes are believed sufficient to place the application into condition for allowance. No new matter has been added to the application. Applicant expresses appreciation for thoughtful examination by the Examiner.

The present invention is a device for boaters, hikers, and the like that desire a large, self deploying, signal that is highly visible at a great distant to assist in rescue efforts. The device automatically spreads out to cover a large amount of water or ground. It is not intended or designed for use as a flotation device.

Claim Rejection Under 35 U.S.C. §102(b) is Overcome

The Office Action rejects claims 1, 2 and 8-9 as being anticipated by Rhodes (US 4,731,037).

The standard for a rejection under 35 U.S.C. §102(b) is established in MPEP §2131. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. If an independent claim is allowable under 35 U.S.C. §102, then any claim depending therefrom is also allowable.

Response to 04-07-2004 Office Action
Serial No. 10/604,925
Page 5 of 9

Applicant respectfully traverses the rejection and requests favorable reconsideration and withdrawal of this rejection. Claim 1 has been amended and claim 2, 8 and 9 depend from claim 1. The rejection, as applied to amended claim 1, is overcome because Rhodes neither discloses nor suggests all of the claimed features of the invention set forth in amended claim 1. Specifically, the present invention as in amended claim 1 features an inflatable center channel to add more stability to the device when inflated. Further, the present invention is a signaling device.

Rhodes does not meet the limitation of having an inflatable center channel and as being configured to be signaling device. Rhodes is a portable inflatable life raft, while the present invention is configured for use on land as well. Applicant submits buoyancy, not signaling, is the desired feature in Rhodes. The present invention seeks to provide as large a signal as possible using an inflated periphery and center channel to maximize rigidity and size.

In light of the above, Applicant respectfully submits he has addressed the all aspects of the rejection and demonstrated that Applicant's invention, as claimed in amended claim 1, is not anticipated nor suggested by Rhodes. Accordingly, Applicant requests Examiner to withdraw the rejection under 35 U.S.C. §102(b). Applicant further submits claim 1 and those claims that depend from claim 1 are in condition for allowance over the art of record, and Applicant respectfully requests such allowance.

Claim Rejection Under 35 U.S.C. §103(a) is Overcome

The Office Action rejects claims 3-7 under 35 U.S.C. §103(a) as being unpatentable over Rhodes in view of Martin (US 4,913,672).

The standard to be applied in a 35 U.S.C. §103(a) rejection is established in MPEP §2143.03. To establish *prima facie* obviousness of a claimed invention, all the claimed

Response to 04-07-2004 Office Action
Serial No. 10/604,925
Page 6 of 9

limitations must be taught or suggested by the prior art. If an independent claim is non-obvious under 35 U.S.C. §103, then any claim depending therefrom is non-obvious.

Applicant respectfully traverses the rejection and requests reconsideration and withdrawal thereof. Claims 3 and 7 are now cancelled. The rejection, as applied to claims 4-6, is overcome because: (1) all of the claim limitations of amended independent claim 1 are not taught or suggested by the references and therefore dependent claims 4-6 are non-obvious as well; and (2) the integral pocket, as claimed in claims 4-6, is not taught or suggested by the references.

First, all the limitations of amended independent claim 1 are not taught or suggested by the references. As discussed above, amended claim 1 features an inflatable center channel to add stability, not buoyancy, to the device when inflated. Further, the present invention is a signaling device. The arguments presented above apply equally here. As such, Applicant respectfully submits dependent claims 4-6 are non-obvious as well. The secondary Martin reference contains no disclosure that would make up for the foregoing shortcomings of Rhodes, nor does either reference contain any suggestion that they could somehow be combined.

Moreover, the pocket of the present invention is not taught or suggested by the prior art. The cited Martin reference differs from the present invention in significant ways. The cited prior art pocket may act itself as an anchor that would only be useful if attached to the periphery of its raft and only when filled with sand. Further, there is no integral adjustment to allow the anchor to be attached closer or further from the raft as conditions warranted.

In contrast, the present invention of claim 5 defines a pocket integral to the signal device that may be used to hold an anchor that is held in place within the pocket through the attachment of an integral anchor line 50. As is known in the art (and see paragraph 16 of the specification of the present invention), in marine applications the desired length of anchor line increases with increased water depth or adverse weather. In contrast, for land applications the

Response to 04-07-2004 Office Action
Serial No. 10/604,925
Page 7 of 9

anchor line could be shortened to a minimal length. None of these variations are described in the cited prior art individually or in combination.

In light of the above, Applicant respectfully submits he has addressed the rejection and demonstrated that a *prima facie* case of obviousness is not established by the art cited in the Office Action relative to claims 4-6 and requests the Examiner to withdraw the rejection under 35 U.S.C. §103(a).

Examiner noted that the prior art of record was considered pertinent to Applicant's disclosure. Applicant has reviewed the prior art of record and submits it does not adversely bear on the patentability of the pending claims.

Response to 04-07-2004 Office Action
Serial No. 10/604,925
Page 8 of 9

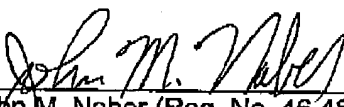
CONCLUSION

In light of the foregoing, Applicant respectfully submits that he has addressed each and every item presented by the Examiner in this Office Action. Favorable reconsideration of all of the claims as amended is earnestly solicited. Applicant submits that the present application together with the claims as amended, is in a condition for allowance and respectfully request such allowance.

In the event any further matters requiring attention are noted by Examiner or in the event that prosecution of this application can otherwise be advanced thereby, a telephone call to Applicants' undersigned representative at the number shown below is invited.

Respectfully submitted,

Date: September 2
August, 2004


John M. Naber (Reg. No. 46,487)
Foster, Swift, Collins & Smith, P.C.
313 South Washington Square
Lansing, MI 48933
(517) 371-8100
(517) 371-8200 facsimile

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450/703-872-9306.

Date: 9-2-04


Trudy Meade

S:\293\MARTIN\1st OA\Response to OA 4-7-04 - 2.doc

Response to 04-07-2004 Office Action
Serial No. 10/804,925
Page 9 of 9